

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GRACO INC. and)	
GRACO MINNESOTA INC.,)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 21-245 (JFM)
)	
CARLISLE CONSTRUCTION)	
MATERIALS, LLC,)	
)	
Defendant.)	
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CARLISLE CONSTRUCTION MATERIALS,)	
LLC, and CARLISLE COMPANIES, INC.,)	
)	
Counterclaim Plaintiffs,)	
)	
v.)	
)	
GRACO INC. and)	
GRACO MINNESOTA INC.,)	
)	
Counterclaim Defendants.)	

VERDICT FORM

Instructions: Begin with question 1 on the following page. Follow the prompts in italics from there.

PATENT INFRINGEMENT

1. Did Carlisle infringe claim 10 of the '172 Patent? ("YES" is a finding for Graco. "NO" is a finding for Carlisle.)

YES _____

NO X

Proceed to Question 2.

PATENT INVALIDITY

2. Are any of the following claims of the '172 Patent are invalid as **anticipated**? ("YES" is a finding for Carlisle. "NO" is a finding for Graco.)

Claim 1: YES _____ NO X

Claim 10: YES X NO _____

Proceed to Question 3.

3. Are any of the following claims of the '172 Patent are invalid as **obvious**? ("YES" is a finding for Carlisle. "NO" is a finding for Graco.)

Claim 1: YES _____ NO X

Claim 10: YES _____ NO X

Proceed to Question 4.

PATENT UNENFORCEABILITY DUE TO INEQUITABLE CONDUCT

4. Did any of the following people make a material omission or misrepresentation to the Patent Office? (“YES” is a finding for Carlisle. “NO” is a finding for Graco.)

Jon McMichael:	YES _____	NO <u>X</u> _____
Steve Sindors:	YES _____	NO <u>X</u> _____
Doug Zittel:	YES _____	NO <u>X</u> _____
David Badger:	YES _____	NO <u>X</u> _____

If YES to any, then proceed to Question 5.

If NO to all, then proceed to Patent Damages (Question 6) and follow the directions there.

Answer this Question 5 only for individuals for whom you found “YES” in Question 4.

5. For each individual for whom you found “YES” in Question 4, was the material omission or misrepresentation made with the specific intent to deceive the Patent Office? (“YES” is a finding for Carlisle. “NO” is a finding for Graco.)

Jon McMichael:	YES _____	NO _____
Steve Sindors:	YES _____	NO _____
Doug Zittel:	YES _____	NO _____
David Badger:	YES _____	NO _____

If YES to any, then proceed to Antitrust Liability (Question 7) and follow the directions there.

If NO to all, then proceed to Patent Damages (Question 6) and follow the directions there.

PATENT DAMAGES

Directions: You shall answer this Question 6 only if you found that claim 10 of the '172 Patent is infringed, not invalid, and not unenforceable.

You need not answer this question if any of the following is true:

- ***You answered "NO" to Question 1***
- ***You answered "YES" to Question 2 for claim 10***
- ***You answered "YES" to Question 3 for claim 10***
- ***You answered "YES" to any part of Question 5.***

6. What amount of damages do you award to Graco for Carlisle's infringement of the '172 Patent?

\$ _____

If you answered Question 6, then proceed to the final page to sign and date the verdict sheet. Otherwise, proceed to Antitrust Liability (Question 7) and follow the directions there.

ANTITRUST LIABILITY

Directions: You shall answer the antitrust questions only if you found the '172 Patent unenforceable because of inequitable conduct. Specifically,

- ***If you answered "YES" to any part of Question 5, then proceed to question 7.***
- ***If you answered "NO" to all parts of Question 5 or left Question 5 entirely blank, then proceed to the final page to sign and date the verdict sheet.***

7. Did Graco enforce the '172 patent against Carlisle with knowledge that the '172 Patent was procured or maintained by knowing and willful fraud on the Patent Office? ("YES" is a finding for Carlisle. "NO" is a finding for Graco.)

YES _____

NO _____

If YES, then proceed to Question 8.

If NO, then proceed to the final page to sign and date the verdict sheet.

8. By enforcing the '172 Patent, did Graco willfully acquire or maintain monopoly power in the relevant market, thereby proximately causing injury to Carlisle's business or property? ("YES" is a finding for Carlisle. "NO" is a finding for Graco.)

YES _____

NO _____

Proceed to Question 9.

9. By enforcing the '172 Patent, did Graco specifically intend to achieve, and have a dangerous probability of achieving, monopoly power in the relevant market, thereby proximately causing injury to Carlisle's business or property? ("YES" is a finding for Carlisle. "NO" is a finding for Graco.)

YES _____

NO _____

Proceed to Antitrust Damages (Question 10) and follow the directions there.

ANTITRUST DAMAGES

Directions: You shall answer this Question 10 only if you found antitrust liability. Specifically, you should answer this Question 10 only if:

- ***You answered “YES” to Question 7 and***
- ***You also answered “YES” to either Question 8 or Question 9.***

10. What is the amount of damages, if any, that Carlisle is entitled to as lost profits?

\$ _____

Proceed to Question 11.

11. Did Carlisle pay attorneys’ fees to defend against Graco’s enforcement of the ’172 Patent? (“YES” is a finding for Carlisle. “NO” is a finding for Graco.)

YES _____

NO _____

Proceed to the final page to sign and date the verdict sheet.

SIGNATURE

When the verdict sheet is complete and unanimously agreed upon, the foreperson shall sign and date the verdict form and notify court staff.

Date: 12/12/2024

A large black rectangular redaction box covering the signature area.

Foreperson